

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FABIO PORFIRIO LOBO,

Petitioner,

19 **CIVIL** 9982 (LGS)

15 **CR.** 174 (LGS)

-against-

UNITED STATES OF AMERICA,
Respondent.

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JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 9, 2023, the Petition is denied, and the motion for an evidentiary hearing is denied. As Petitioner has not made a substantial showing of the denial of a constitutional right, a Certificate of Appealability will not be issued. See 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 111-12 (2d Cir. 2000). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this judgment on the merits would not be taken in good faith. See *Coppedge v. United States*, 369 U.S. 438, 445 (1962) (We consider a defendant's good faith... demonstrated when he seeks appellate review of any issue not frivolous; accordingly, case number 19 Civ. 9982 is closed).

DATED: New York, New York
February 10, 2023

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk